

REMARKS

1. Claims 1-22 are pending in the Application, and Claims 11 and 22 have been amended to correct typographical mistakes. The Examiner has rejected Claims 1-5, 7-16, and 8-22. The Examiner has found allowable subject matter in Claim 6 and 17, provided they are rewritten to include all the limitations of the base claim and intervening claims from which they depend. The Examiner is thanked for finding allowable subject matter in Claims 6 and 17.

2. The Examiner has objected to Claims 11 and 22 because of informalities in the use of the term "multi-axis." Corrections have been made to the claims per the Examiner's suggestion. The Examiner is respectfully requested to withdraw the objections to Claims 11 and 22.

3. The Examiner has rejected Claims 1-5, 7, 9, 10, 12-16, 18, 20 and 21 under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,913,555 to Karl-Hermann Richter et al. ("Richter"). As to Claims 1 and 12, the Examiner states that Richter discloses a method for repairing a structure wherein a multi-axis digital measuring device is oriented and then used to capture an image "in at least two dimensions" in order to repair a sheet metal repair part. Office Action, p. 2, lines 16-19. Applicants traverse the rejection. Richter discloses only a camera (10) and an image-processing computer (11). Richter further states that the camera is used only at a standardized "height h and provides data thereto to an image processing computer 11." Richter, col. 4, lines 46-48. {This is a process for a two-dimensional image, not a three-dimensional image. Richter further states, "the cutting of the sheet or plate for making the repair profile is carried out using a two-dimensional cutting guidance with a cut angle that is maintained 90° relative to the local surface of the sheet or plate." Col. 2, line 64 to col. 3, line 1.

The Examiner states that "the digital camera clearly functions as a multi-axis digital measuring device and in addition the height and depth of the remaining blade portion is captured and measured by the digital camera." Office action, p. 5, last two lines, to page 6, lines 1-2. The Examiner cites to Richter, col. 4, lines 38-59 for further clarification. This passage recites

the existing actual geometry of the end of the remaining blade portion 2 at the standardized height h is measured, preferably by means of an image processing technique, by which the actual geometry is numerically detected and analyzed . . . a camera, such as a digital camera 10 captures the image of the end of the remaining

blade portion 2 at the height h and provides data corresponding thereto to an image processing computer 11.

Col. 4, lines 38-48.

Other passages in Richter also recite the “height h” limitation, and even the claims recite “measuring an actual geometry of an end of said remaining blade portion at said standardized height.” Claim 1 of Richter, col. 6, lines 50-51. Thus, Richter is limited to providing a camera image in a single, two-dimensional plane at height h, as explained in the cited passage.

A camera is not a multi-axis digital measuring device, as claimed in Claims 1 and 12, and as defined in the specification of the present application. The specification states, on page three, lines 6-7, that the claimed device is a “multi-axis measuring machine, having linear or rotary axes of motion.” Richter discloses no camera with any axis of motion, such as a linear or rotary axis of motion. The only camera shown in the drawings, designated by numeral 10 in Fig. 5 of Richter, appears to be an ordinary camera for acquiring and processing an optical image. See col. 4, lines 45-49. Richter does not anticipate the claimed invention, which expressly includes a multi-axis digital measuring device. An invention is not anticipated when the same device or method, including all the limitations contained in the claims, is not described in a single prior art reference. Ex Parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. Appl. & Int. 1990). Therefore, the Examiner is requested to withdraw the rejection of Claims 1 and 12 under 35 U.S.C. §102(b).

The remaining rejections under 35 U.S.C. § 102(b) for Claims 2-5, 7, 9, 13-16, 18, 20 and 21 are moot in light of Richter’s failure to disclose a multi-axis digital measuring device. Applicants submit that the rejection under 35 U.S.C. § 102(b) is overcome and respectfully request the Examiner to withdraw the rejections under 35 U.S.C. §102.

4. The Examiner has rejected Claims 8, 11, 19 and 22 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Pat. No. 5,913,555 to Karl-Hermann Richter et al. (“Richter”) in view of U.S. Pat. No. 5,736,201 to Mary Linda Flint (“Flint”). The Examiner states that Richter discloses all the claimed subject matter except for transferring the repair part from a first workstation to a second workstation, or mounting a laser-scanning device. The Examiner states that Flint discloses transferring an unfinished part from a first workstation to a second workstation in order to build a duplicate part, and that it would have been obvious to transfer an unfinished repair part from Richter to a second workstation according to Flint.

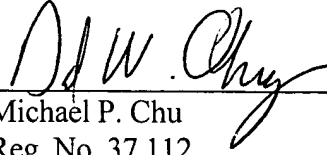
✓ Applicant traverses the rejection, on the grounds that there is no suggestion to combine the references, and that therefore the Examiner has failed to make a prima facie case of obviousness. In addition, the combination of the improperly-combined references still does not describe or suggest all the limitations of the method claimed in Claims 8, 11, 19 and 22 of the present application.

As a motivation for combining the references, the Examiner states that “obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” Office Action, p. 6, lines 12-17. The Examiner then states what the Examiner believes Richter and Flint disclose, and states that it would have been obvious to one of ordinary skill in the art to manufacture the part of Richter according to the teaching of Flint, thereby rendering Applicants’ claimed invention obvious. Office Action, p. 7, lines 1-4. The Examiner has not stated any motivation for combining the references, and therefore has failed to make a prima facie case of obviousness. M.P.E.P. 2143.

Even if the references are combined, neither reference describes or suggest a multi-axis digital measuring device. As discussed above, Richter discloses only a digital camera. ✓ Flint discloses a video camera and a laser scanner, but neither have an axis of motion, since Flint depends on rotating a live person, not moving a multi-axis measuring device. Even the improperly-combined references do not describe or suggest all the limitations of the claimed inventions. Accordingly, the Examiner is respectfully requested to withdraw his rejections of Claims 8, 11, 19 and 22.

5. Applicants have amended Claims 11 and 22 to correct typographical errors. Applicants believe that the Claims are in form for allowance, and respectfully request the Examiner to allow them. The Examiner is respectfully requested to call the undersigned if such will help expedite the allowance of the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D.W. Okey", is written over a horizontal line.

Michael P. Chu
Reg. No. 37,112
David W. Okey
Reg. No. 42,959
Attorneys for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

APPENDIX A

Marked-up versions of the amended claims with additions underlined and deletions in brackets:

11. (Amended twice) The method of Claim 1, further comprising mounting a laser-scanning device on the [multiaxis] multi-axis digital measuring device, wherein the laser-scanning device is used to measure at least a portion of the structure with the multi-axis digital measuring device.

22. (Amended twice) The method of Claim 22, further comprising mounting a laser-scanning device on the [multiaxis] multi-axis digital measuring device, wherein the laser-scanning device is used to measure at least a portion of the structure with the multi-axis digital measuring device.